

## **CHAPTER NO. 49**

### **HOUSE BILL NO. 2398**

**By Representatives McMillan, Curtis Johnson, Phillip Johnson**

**Substituted for: Senate Bill No. 2375**

**By Senator Kurita**

AN ACT to amend Chapter 292 of the Private Acts of 1957; as amended by Chapter 139 of the Private Acts of 1981, and any other acts amendatory thereto, relative to the charter of the City of Clarksville.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Article I, Section 5, Subsection (B)(6) of Chapter 292 of the Private Acts of 1957, as amended by Chapter 139 of the Private Acts of 1981, and any other acts amendatory thereto, is further amended by designating existing subdivision (6) as (6)(i) and by adding the following language to be designated as (6)(ii):

(ii) To provide for the abatement of unhealthy or unsafe conditions on occupied or unoccupied parcels of land. If it is determined by the department or person as designated by the City Council that any owner of record of real property has created, maintained or permitted to be maintained on such property the growth of trees, vines, grass, underbrush and/or the accumulation of debris, trash, litter, or garbage, or any combination of the preceding elements, so as to endanger the health, safety or welfare of other citizens or to encourage the infestation of rats and other harmful animals, such department or person shall provide notice to the owner of record to remedy the condition immediately. The notice shall be given by United States mail, addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing. The notice shall be written in plain language and shall also include, but not be limited to, the following elements:

- (1) A brief statement which shall contain the consequences of failing to remedy the noted condition;
- (2) The person, office, address and telephone number of the department or person giving notice;
- (3) A cost estimate for remedying the noted condition; and
- (4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

If the person fails or refuses to remedy the condition within ten (10) days after receiving the notice, the department or person so designated by the City Council shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. Upon the filing of the notice with the Register of Deeds for Montgomery County, the costs shall be a lien on the property in favor of the City of Clarksville, second only to liens of the state, county and municipality for taxes, any lien of the city for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

The City Council may make any rules and regulations necessary for the administration and enforcement of this subsection; provided that upon request of the person aggrieved by the determination made pursuant to this subsection, such person shall have a right to a hearing. A request for such a hearing shall be made within ten (10) days following the receipt of the notice issued pursuant to this subsection. Failure to make the request within this time shall without exception constitute a waiver of the right to a hearing. Any person aggrieved by an order or act of the board, agency or department to conduct such hearing may seek judicial review of the order or act. The ten (10) day period established in this subsection shall be stayed during the pendency of such hearing.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Clarksville. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

**PASSED: April 25, 2005**



JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES



JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 4<sup>th</sup> day of May 2005**



PHIL BREDESEN, GOVERNOR